

REMARKS

Claims 6-21 are amended, and claims 1-5 and 22 are canceled, without prejudice. Claims 1-22 are pending.

It is noted that claim 22 depends from withdrawn claim 2, and so claim 22 is also drawn to a non-elected invention.

To expedite allowance of the present application, the applicants cancel non-elected claims 1-4 and 22, without prejudice for a subsequent filing of a divisional and/or a continuation application directed to the withdrawn and canceled claims 1-4 and 22.

In the Office Action, claims 5-22 were rejected under 35 U.S.C. § 112, second paragraph. Claims 5 and 22 have been canceled. Claims 6-21 are amended in a manner to overcome the Examiner's rejection, so reconsideration and withdrawal of the rejection of claims 6-21 are respectfully requested.

In the Office Action, it is stated that claims 6-13, 15, and 17-21 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all the recitation of the base claim and any intervening claims.

Claims 6, 10, 12, 15, 17-18, and 20 have been respectfully amended to be in independent form, and so are allowable. In addition, claims 7-9, 11, 14, 16, 19, and 21 dependent from a respective one of independent claims 6, 10, 12, and 17-18, and so are also allowable. Accordingly, reconsideration and allowance of pending claims 6-21 are respectfully requested.

In the Office Action, claims 5 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 4,055,192 to Berlin et al., and claims 5 and 14

were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 1,582,544 to Rundell. Claim 5 has been canceled, without prejudice.

Claims 14 and 16 have been amended to depend from amended claims 13 and 6, respectively, which are allowable as discussed herein, and so it is respectfully submitted that claims 14 and 16 include allowable subject matter. Accordingly, reconsideration and withdrawal of the rejection of claims 14 and 16 are respectfully requested.

Entry and approval of the present amendment, and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by submission of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,



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VERSION OF CLAIMS WITH
MARKINGS TO SHOW CHANGES MADE

Claims 1-5 and 22 are cancelled, without prejudice.

Claims 6-21 are amended.

- (6.) (Amended) Apparatus [according to Claim 5, characterized in that] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:
- a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products,
 - b) the tobacco particles (19) can be conveyed away by the conveying elements and/or by suction lines,
 - c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19), and
 - d) the tobacco particles (19) can be removed from the tobacco separator (45);
- wherein, arranged in a packaging machine (10) for [cigarettes (11)] the tobacco products, in the region of a [cigarette] magazine (13) for forming [cigarette] groups (15) of the tobacco products, is at least one suction-extraction element (32) for the purpose of extracting tobacco particles (19) by suction.

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7. (Amended) Apparatus according to Claim 6, characterized in that the suction-extraction element (32) is arranged in a rear region of the [cigarette magazine (13), in particular directly above the] magazine (13) for holding the tobacco products disposed directly above a movement plane of push rods (26) for pushing [cigarette] the groups (15) of tobacco products out of the [cigarette] magazine (13).

8. (Amended) Apparatus according to Claim 7, characterized in that each of the tobacco products includes a filter at an end thereof; and the suction-extraction element has a suction member (33) which is directed towards [ends of the cigarettes (11), in particular filter ends thereof,] the filter ends of the tobacco products, and the suction member (33) extends transversely over the entire width of the [cigarette] magazine (13) and has suction chambers (34) for receiving suction air with tobacco particles (19), the suction chambers (34) being open at least partially on the side directed towards the [cigarettes (11) in the cigarette] tobacco products in the magazine (13).

9. (Amended) Apparatus according to Claim 8, characterized in that [at least one suction-extraction line (36, 37), preferably] two suction-extraction lines (36, 37) arranged at mutually opposite ends [, is/are] are connected to the suction member (33) and/or to the suction chambers (34) for the purpose of extracting air with tobacco particles (19) by suction.

(10.) (Amended) Apparatus [according to Claim 5, characterized in that] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:

a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products,

b) the tobacco particles (19) can be conveyed away by the conveying elements and/or by suction lines,

c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19),

d) the tobacco particles (19) can be removed from the tobacco separator (45); and

[in the region of a conveyor for cigarettes (11) or cigarette groups (15), in particular in the region of] a pocket chain (17) with pockets (16) for receiving in each [case one cigarette] pocket a group (15) of the tobacco products,

wherein at least one suction-extraction subassembly (23) is positioned [, in particular] in the region where the [cigarette] groups (15) of tobacco products are pushed into the pockets (16) of the pocket chain (17).

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11. (Amended) Apparatus according to Claim 10, characterized in that the suction-extraction subassembly (23) has a suction-extraction housing (24) which partially encloses [the cigarette conveyor or] the pocket chain (17) [, in particular] in the region of a top side and a longitudinal side [,] of the pocket chain (17) with a suction-extraction line (25) adjoining the suction-extraction housing (24).

(12) (Amended) Apparatus [according to Claim 5, characterized in that] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:

a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products,

b) the tobacco particles (19) can be conveyed away by the conveying elements having conveying belts (38, 39) and by suction lines,

c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19), and

d) the tobacco particles (19) can be removed from the tobacco separator (45);

wherein tobacco particles (19) falling downward under their own weight are intercepted, and transported away, [by conveying elements, in particular] by the conveying belts (38, 39), [it being possible for] allowing the tobacco particles transported

by the conveying belts to be fed [preferably] to a suction-extraction subassembly for the purpose of the tobacco particles being transported further by means of suction air.

13. (Amended) Apparatus according to Claim 12, characterized in that the conveying elements include [arranged beneath cigarette conveyors, in particular beneath the pocket chain (17) or beneath a bottom strand (18) of the same, is] a first conveying belt (38) which extends in the longitudinal direction of [the pocket chain (17) or of the bottom strand (18), it being possible] a conveying path of the conveying elements for tobacco particles (19) intercepted by the first conveying belt (38) to be fed to a collecting element [, preferably] having an intercepting hopper (20).

14. (Amended) Apparatus according to Claim [5,] 13, characterized in that tobacco particles falling downwards under their own weight are intercepted, and directed further, in the region of increased accumulation [by collecting elements, preferably] by the intercepting hopper (20), [a further conveying element] and with a second collecting belt (39) for tobacco particles (19) [, in particular a collecting belt (39),] begin arranged beneath the intercepting hopper (20).

15. (Amended) Apparatus [according to Claim 5, characterized in that] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:

a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or

suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products.

b) the tobacco particles (19) can be conveyed away by the conveying elements and/or by suction lines.

c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19), and

d) the tobacco particles (19) can be removed from the tobacco separator (45):

wherein tobacco particles (19) are transported by a [belt conveyor, in particular by the] collecting belt (39), [can] to be fed to a suction-extraction subassembly [, in particular to] having a suction tube (40) which is arranged in the region of a deflecting roller (41) of the collecting belt (39) and partially encloses the deflecting roller (41) such that the tobacco particles can be conveyed into a suction tube (40) by the collecting belt (39).

16. (Amended) Apparatus according to Claim [5,] 6, characterized in that the tobacco particles (19) received in the region of a packaging machine and/or of a maker can be fed to [a preferably central] the tobacco separator (45), with individual suction-extraction lines which run within the packaging machine and/or within the maker opening out, via a connecting member (44), in a main tube (43), which leads to the tobacco separator (45).

(17.) (Amended) Apparatus [according to Claim 5, characterized in that] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:

a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products,

b) the tobacco particles (19) can be conveyed away by the conveying elements and/or by suction lines,

c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19), and

d) the tobacco particles (19) can be removed from the tobacco separator (45);

wherein, the tobacco separator (45) is positioned [, as a cabinet-like structure, outside the] exterior to a packing machine (10), at a distance from the same, [the] with a main tube (43) leading out of the packaging machine (10) to the tobacco separator (45).

(18.) (Amended) Apparatus [according to Claim 5, characterized in that,] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:

a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products,

b) the tobacco particles (19) can be conveyed away by the conveying elements and/or by suction lines,

c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19), and

d) the tobacco particles (19) can be removed from the tobacco separator (45):

wherein, within a housing (46), the tobacco separator (45) has a fan (47) for producing suction air, [it being possible for] allowing the taken-in air, which is mixed with tobacco particles (19), to be fed to a separating element (48) for separating off the tobacco particles (19), and for the air freed from the tobacco particles (19) then to be led outwards by the fan (47).

19. (Amended) Apparatus according to Claim 18, characterized in that, once the tobacco particles (19) have been separated off in the region of the separating element (48), the taken-in air can be led through cleaning elements [, in particular through] having air filters (49).

(20) (Amended) Apparatus [according to Claim 5, characterized in that,] for producing tobacco products with elements and subassemblies for handling the tobacco products, characterized by the following features:

a) arranged in the region of the elements and subassemblies for handling the tobacco products are collecting elements, conveying elements and/or suction-extraction elements for the purpose of receiving tobacco particles (19) caused to accumulate on account of the handling of the tobacco products,

b) the tobacco particles (19) can be conveyed away by the conveying elements and/or by suction lines,

c) the tobacco particles (19) can be fed by the conveying elements and/or suction lines to at least one tobacco separator (45), which separates off, and collects, the tobacco particles (19), and

d) the tobacco particles (19) can be removed from the tobacco separator (45):

wherein, in the region of the separating element (48), the tobacco separator (45) has a removal arrangement for collected tobacco particles (19), [in particular] which includes:

a base; and

a flap (55) which is positioned at a distance from the base.

21. (Amended) Apparatus according to Claim 17, characterized in that [, on its top side,] the main tube (43) passes into the housing (46) of the tobacco separator (45), and in that, once [it] the air has been separated off [and, if appropriate, cleaned,] the air emerges from the housing (46) via an outlet opening (52) [likewise provided at the top].